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## STIPULATION

2 Plaintiff Byron Scheafer (“Scheafer”) and Defendant Target Corporation (“Defendant”), by  
3 and through their respective counsel of record, hereby stipulate and agree to the following pursuant  
4 to Federal Rule of Civil Procedure 35:

5       **WHEREAS**, in his Complaint and in discovery responses in this litigation, Plaintiff has  
6 claimed to have suffered mental distress and emotional distress as a result of Defendant's alleged  
7 actions;

8       **WHEREAS**, pursuant to Federal Rule of Civil Procedure 35 Plaintiff stipulates that he is  
9 not making and will not make a claim for mental and/or emotional distress over and above that  
10 usually associated with events, allegations and causes of action claimed in this case.

11 Plaintiff further stipulates that no expert testimony regarding this usual mental and/or  
12 emotional distress resulting from the discrimination and retaliation will be presented in these  
13 proceedings, including without limitation, at trial.

14 Plaintiff further stipulates he will not introduce expert medical, psychological, and/or  
15 psychiatric testimony with respect to any claim of emotional or mental distress in connection with  
16 any cause of action.

17 Plaintiff further stipulates he will not seek to introduce at trial any documentary medical  
18 evidence related to his emotional injury, including but not limited to, medical records, itemized  
19 bills, reports, laboratory results, or any other type of physical or mental health assessments and  
20 excluding documents solely establishing a rise in Plaintiff's blood pressure, in support of any of  
21 his claims in this Action;

22 Plaintiff further stipulates that trial testimony regarding emotional distress will be limited  
23 to lay witness testimony.

24 The Parties reserve their respective rights to present and/or object to evidence and  
25 discovery consistent with this Stipulation and as adjudicated by the Court in light of this  
26 Stipulation. Further, nothing in this Stipulation shall be construed, either explicitly or implicitly,  
27 to constitute a waiver of any Party's rights to discovery of any relevant or necessary information to  
28 prepare its claims and/or defenses.

1           **WHEREAS**, pursuant to Federal Rule of Civil Procedure 35, Defendant will not seek to  
2 have Plaintiff submit to any mental examination.

3           **IT IS SO STIPULATED**

4           DATED: April 11, 2025

5           LITTLER MENDELSON, P.C.

6           By: /s/ Zoe Y.J. Monty-Montalvo  
7           Andrew H. Woo  
8           Michael L. Kibbe  
9           Zoe Y. J. Monty-Montalvo  
10           Attorneys for Defendant  
11           TARGET CORPORATION

12           DATED: April 11, 2025

13           LAW OFFICES OF JILL P. TELFER

14           By: /s/ Jill P. Telfer  
15           Jill P. Telfer  
16           Attorney for Plaintiff  
17           BYRON SCHEAFER

1 [PROPOSED ORDER]  
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4 Pursuant to the foregoing Stipulation, IT IS SO ORDERED.  
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7 Dated: April 11, 2025  
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11 SEAN C. RIORDAN  
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13 UNITED STATES MAGISTRATE JUDGE  
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